

Administration of Barack Obama, 2014

Memorandum Establishing a Comprehensive Framework To Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud

June 17, 2014

Memorandum for the Heads of Executive Departments and Agencies

Subject: Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud

The United States is a global leader in sustainable seafood. Over the course of the last 6 years, the United States has largely ended overfishing in federally managed waters and successfully rebuilt a record number of stocks depleted by the excesses of the past. At the same time, effective domestic management and enforcement of fishing regulations have supported near record highs in both landings and revenue for our domestic fishing industry. As a result, the U.S. management scheme is recognized internationally as a model for other countries as they work to end overfishing.

Nevertheless, illegal, unreported, and unregulated (IUU) fishing continues to undermine the economic and environmental sustainability of fisheries and fish stocks, both in the United States and around the world. Global losses attributable to the black market from IUU fishing are estimated to be \$10–23 billion annually, weakening profitability for legally caught seafood, fueling illegal trafficking operations, and undermining economic opportunity for legitimate fishermen in the United States and around the world.

It is in the national interest of the United States to promote a framework that supports sustainable fishing practices and combats seafood fraud and the sale of IUU fishing products. To achieve these objectives, the United States will need to enhance the tools it has available to combat IUU fishing and seafood fraud, including by implementing the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; strengthening coordination and implementation of existing authorities to combat IUU fishing and seafood fraud; working with the Congress to strengthen and harmonize the enforcement provisions of U.S. statutes for implementing international fisheries agreements; and working with industry and foreign partners to develop and implement new and existing measures, such as voluntary, or other, traceability programs, that can combat IUU fishing and seafood fraud, and ensure accurate labeling for consumers.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure that seafood sold in the United States is legally and sustainably caught and to combat the negative impacts of seafood fraud on the United States, I hereby direct the following:

Section 1. Policy. (a) It shall be the policy of the United States for all executive departments and agencies (agencies) to combat IUU fishing and seafood fraud by strengthening coordination and implementation of relevant existing authorities and, where appropriate, by improving the transparency and traceability of the seafood supply chain. All agencies and offices charged with overseeing the seafood supply chain and verifying the authenticity of its products shall implement and enforce relevant policies, regulations, and laws to ensure that seafood sold in the United States is legally caught and accurately labeled.

(b) It shall also be the policy of the United States to promote legally and sustainably caught and accurately labeled seafood and to take appropriate actions within existing authorities and budgets to assist foreign nations in building capacity to combat IUU fishing and seafood fraud. In addition, agencies shall identify opportunities to enhance domestic and international efforts to combat global IUU fishing and seafood fraud.

Sec. 2. Establishment. There is established, as a subcommittee reporting to the National Ocean Council established by Executive Order 13547 of July 19, 2010 (Stewardship of the Ocean, Our Coasts, and the Great Lakes), a Presidential Task Force on Combating Illegal, Unreported, and Unregulated Fishing and Seafood Fraud (Task Force), to be co-chaired by the Secretaries of State and Commerce, or their designees. The Task Force shall meet not later than 60 days from the date of this memorandum and at least quarterly thereafter.

Sec. 3. Membership. In addition to the Co-Chairs, the Task Force shall include designated senior-level representatives from:

- (a) the Department of Defense;
- (b) the Department of Justice;
- (c) the Department of the Interior;
- (d) the Department of Agriculture;
- (e) the Department of Commerce;
- (f) the Department of Health and Human Services;
- (g) the Department of Homeland Security;
- (h) the Office of Management and Budget;
- (i) the Council on Environmental Quality;
- (j) the Office of Science and Technology Policy;
- (k) the Office of the United States Trade Representative;
- (l) the United States Agency for International Development; and
- (m) such agencies and offices as the Co-Chairs may, from time to time, designate.

Sec. 4. Functions. Consistent with the authorities and responsibilities of member agencies, the Task Force shall perform the following functions:

(a) Not later than 180 days after the date of this memorandum, the Task Force shall report to the President through the National Ocean Council, with recommendations for the implementation of a comprehensive framework of integrated programs to combat IUU fishing and seafood fraud that emphasizes areas of greatest need. The Task Force should consider a broad range of strategies, including implementation of existing programs, and, if appropriate, development of new, voluntary or other, programs for seafood tracking and traceability. In providing these recommendations, the Task Force shall identify:

- (i) existing regulatory authorities and make recommendations regarding further authorities that may be warranted;
- (ii) enforcement best practices and challenges;

(iii) benefits provided by such a framework, as well as potential impacts on the U.S. fishing industry;

(iv) opportunities to address these issues at the international level through the regional fisheries management organizations as well as bilateral efforts, such as technical assistance and capacity building;

(v) priority actions that will be taken by agencies, including strengthening coordination between Federal, State, local, and foreign agencies; and

(vi) industry approaches that contribute to efforts to combat IUU fishing and seafood fraud, including with respect to seafood traceability and ways to minimize any costs and reporting burdens on small businesses.

(b) Upon receiving guidance from the President on the recommendations developed pursuant to subsection (a) of this section, the Task Force shall begin its implementation of those recommendations and, within 1 year, report to the President, through the National Ocean Council, on its progress.

(c) The Task Force shall also consider the need for other strategies for addressing IUU fishing and seafood fraud and may provide recommendations on the development and enhancement of those strategies.

(d) In undertaking these efforts, the Task Force shall coordinate its efforts with other Presidential initiatives focused on related issues, including the work of the Presidential Task Force on Wildlife Trafficking established in Executive Order 13648 of July 1, 2013 (Combating Wildlife Trafficking), and activities being conducted pursuant to Executive Order 13659 of February 19, 2014 (Streamlining the Export/Import Process for America's Businesses).

(e) The Task Force shall, as applicable, consult with governments at State, local, tribal, and regional levels to achieve the goals and objectives of this memorandum, as well as the private sector, nongovernmental organizations, and academia.

Sec. 5. General Provisions. (a) This memorandum shall be implemented consistent with applicable domestic and international law, and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) Nothing in this memorandum shall be construed to require the disclosure of confidential business information or trade secrets, classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security or public safety.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

Categories: Communications to Federal Agencies : Illegal, unreported, and unregulated fishing and seafood fraud, efforts to combat, memorandum.

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